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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,092	06/21/2001	Renato Caretta	07040.0089	3921

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS7

**Office Action Summary**

Application No.

09/885,092

Applicant(s)

CARETTA ET AL

Examiner

Justin R Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-59 is/are pending in the application.
- 4a) Of the above claim(s) 44-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-33,35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of a method of forming a carcass structure (Invention I) in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application can be made without serious burden. This is not found persuasive because the manner in which tire components are laid up is a significant feature in the relevant tire building method. In particular, the use of a toroidal support versus a forming drum, for example, represents a materially different method for manufacture of the same carcass structure, it being recognized that toroidal supports and forming drums represent unique and separate means for laying up tire components.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-33, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson (US 1,728,957). As best depicted in Figure 2, Dickinson (Page 4, Line 115 – Page 5, Line 18) discloses a method of manufacturing a carcass structure for vehicle tires comprising the steps of depositing a plurality of elongated sections or strips extending in a U-shaped configuration on a mandrel (toroidal support)

to define two side portions and one crown portion and applying annular reinforcing structures (beads) to a region close to the inner circumferential edges of said carcass, wherein each of said elongated sections are disposed angularly of the axis of the toroidal support (analogous to being laid down in a plane parallelly offset relative to a meridian plane of the toroidal support).

Regarding claim 31, the elongated sections of Dickinson pass through the transition regions (shoulder regions), such that the respective side portions are disposed at an inclined angle with respect to the reference plane.

With respect to claims 32 and 33, Dickinson describes the arrangement of a first layer and a second layer, wherein each of the layers is formed by the deposition of elongated sections or strips. The reference further teaches that the second layer is angularly disposed of the first layer, such that a crossed orientation is formed.

With respect to claim 35, Dickinson teaches that the elongated sections or strips, which contain parallel thread element covered by rubber, are positioned side by side in lateral abutting relation. This description is seen to constitute "a circumferential pitch corresponding to a multiple of a width of the elongated sections" since this language does not positively require any spacing between adjacent elongated sections of the first layer. This is different from claim 34 in which the circumferential pitch is defined as at least twice the width of the elongated sections.

Regarding claim 37, the method of Dickinson comprises the arrangement of a bead against the elongated sections or strips of the first carcass ply (first layer) and the subsequent arrangement of a second carcass ply (second layer) formed of elongated

sections or strips. As clearly depicted in Figure 42, the elongated sections or strips that define the second carcass ply 467 are arranged in a down configuration, such that the elongated sections of the first and second layer are arranged on axially opposite sides of the bead. It is noted that the beads of Dickinson are being viewed as a first primary portion of the annular reinforcing structure.

***Allowable Subject Matter***

4. Claims 34, 36, and 38-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 34, Dickinson fails to suggest that the elongated sections or strips are laid down at a circumferential pitch corresponding to at least twice the width of the elongated sections of the first layer (allows for creation of spaces to dispose elongated sections of second layer).

Regarding claim 36, Dickinson fails to suggest a construction in which elongated sections are disposed in a side by side relationship, wherein the side portions of the elongated sections are partly covered by the side portions of an adjacent elongated section.

With respect to claims 38-41, while Dickinson suggests that a plurality of carcass layers can be formed, the reference fails to describe the arrangement of a second annular reinforcing structure between the side portions of a third and fourth layer of elongated sections.

Regarding claims 42 and 43, the annular reinforcing structure or bead of Dickinson is not disclosed as being formed by arranging an element of concentric coils (annular insert) and joining at least one filling body to said annular insert. This is a unique method of forming of an annular reinforcing structure that would not have been obvious to one of ordinary skill in the art at the time of the invention.

**Conclusion**

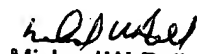
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Justin Fischer

August 29, 2003

  
Michael W. Ball  
Supervisory Patent Examiner  
Technology Center 1700